

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARION SINCLAIR,

Plaintiff,

vs.

ANDY MEISNER, ET AL.,

Defendants.

2:18-CV-14042-TGB-MJH

**ORDER IN RESPONSE TO
ISSUANCE OF *FREED*
MANDATE**

Pursuant to this Court's March 10, 2020 Order (ECF No. 39), this case was stayed in anticipation of the Sixth Circuit's decision in *Freed v. Thomas*. Specifically, Plaintiff's Objections to the Report and Recommendation in this case included a request to amend her Complaint. ECF No. 35. Defendants argued that any amendment would be futile because this Court would not have jurisdiction over her Complaint even as amended. ECF No. 36. The jurisdictional questions raised by Plaintiff's request to amend were before the Sixth Circuit in *Freed*. Therefore, the Court's Order (ECF No. 39) adopting the Report and Recommendation (ECF No. 34) and dismissing Plaintiff's Complaint was without prejudice, so that Plaintiff's option to file an amended complaint remained open. Defendants have notified the Court that a mandate has issued in *Freed*. ECF No. 42.

It is therefore **ORDERED** that:

- Defendants' attorneys will jointly contact Plaintiff to arrange at least one meet-and-confer conference, which will occur within 21 days of this Order. At this conference, Plaintiff will inform Defendants if she intends to file a motion to amend her complaint. Defendants shall inform the Court when the conference is successfully completed and on what date it was held by filing an electronic notice.
- If Plaintiff wishes to file a motion to amend her complaint, she will have 30 calendar days from the date of the meet-and-confer conference to do so. Plaintiff is directed to Local Rule 15.1 for more information on motions to amend. In her motion, in addition to the reasons she believes the Court should allow her to amend her complaint, she must attach a full copy of the proposed amended complaint. Plaintiff is also directed to address *Freed v. Thomas* in her motion.
- If Plaintiff does not wish to file such a motion, Defendants shall inform the Court, and the case will be closed.

DATED this 8th day of April, 2021.

BY THE COURT:

/s/Terrence G. Berg

TERRENCE G. BERG

United States District Judge